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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2013 - 311*

11 **MARIA MARITES ASPIRAS ROSARIO**
12 **3436 Bernadette Ct, Unit A**
13 **West Covina, CA 91792**

A C C U S A T I O N

14 **Registered Nurse License No. 764728**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about December 28, 2009, the Board of Registered Nursing issued Registered
22 Nurse License Number 764728 to Maria Marites Aspiras Rosario (Respondent). The Registered
23 Nurse License was in full force and effect at all times relevant to the charges brought herein and
24 will expire on May 31, 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

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1 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
2 situation which the nurse knew, or should have known, could have jeopardized the client's health
3 or life."

4 9. California Code of Regulations, title 16, section 1443, states:

5 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
6 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
7 exercised by a competent registered nurse as described in Section 1443.5.

8 10. Section 118, subdivision (b), of the Code provides that the
9 suspension/expiration/surrender/cancellation of a license shall not deprive the
10 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
11 within which the license may be renewed, restored, reissued or reinstated.

12 DRUG CLASSIFICATION

13 11. Ativan, a brand name for Lorazepam, a benzodiazepine derivative, is a Schedule IV
14 controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(16),
15 and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

16 FIRST CAUSE FOR DISCIPLINE

17 (Gross Negligence)

18 12. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1) in
19 that on or around November 17, 2010, she committed gross negligence while employed as a
20 registered nurse case manager at Heartland Hospice (Heartland) as follows:

21 a. Respondent ordered a licensed vocational nurse (LVN) to take Ativan from
22 another patient's comfort kit to administer to patient L.Y. The LVN complied with the
23 instruction and was subsequently reprimanded by Heartland.

24 b. Respondent ordered a registered nurse (RN) to take Ativan from another
25 patient's comfort kit to administer to patient L.Y. The RN refused to comply with the instruction
26 and reported the incident to her supervisor.

